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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN EUGENE LEPLEY,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:14-cv-01575-JAD-GWF

ORDER

Petitioner has submitted an application to proceed in forma pauperis (#1) and a petition for a writ of habeas corpus. The court finds that petitioner is unable to pay the filing fee.

Petitioner has used a form for a petition pursuant to 28 U.S.C. § 2241. This is the incorrect form. Petitioner is in custody pursuant to a judgment of conviction of a state court. Even though he is challenging the computation of time that he has served in prison, and not the validity of the conviction itself, 28 U.S.C. § 2254, and its procedural requirements, govern this action. The form that petitioner used does not contain all the information that the court needs. Petitioner will need to submit an amended petition pursuant to 28 U.S.C. § 2254 on the court's form.

Petitioner has submitted a motion for leave to supplement counts (#2). The motion is moot because petitioner needs to submit an amended complaint, and he may add the proposed ground from the motion into the amended complaint.

Petitioner has submitted a motion to extend prison copy work limit (#3). An extension is unnecessary at the moment because petitioner need not serve copies of any documents upon respondents. If it becomes necessary for petitioner to serve copies of documents upon respondents, then the court will entertain a renewed motion.

IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

1 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
2 habeas corpus.

3 IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a petition for a
4 writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have 30
5 days from the date that this order is entered in which to file an amended petition. Neither the
6 foregoing deadline nor any extension thereof signifies or will signify any implied finding of a basis
7 for tolling during the time period established. Petitioner at all times remains responsible for
8 calculating the running of the federal limitation period and timely asserting claims. Failure to
9 comply with this order will result in the dismissal of this action.

10 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such
11 by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus
12 Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the docket
13 number, 2:14-cv-01575-JAD-GWF, above the word "AMENDED."

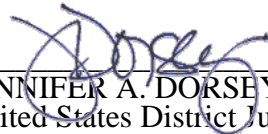
14 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
15 General for the State of Nevada, as counsel for respondents.

16 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
17 copy of the petition and this order. Respondents' counsel shall enter a notice of appearance herein
18 within 20 days of entry of this order, but no further response shall be required from respondents
19 until further order of the court.

20 IT IS FURTHER ORDERED that the motion for leave to supplement counts (#2) is
21 **DENIED** as moot.

22 IT IS FURTHER ORDERED that the motion to extend prison copy work limit (#3) is
23 **DENIED**.

24 DATED: November 20, 2014.

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26 
27 JENNIFER A. DORSEY
28 United States District Judge